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**AUG 25 2003**

**OFFICE OF PETITIONS**

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BOSTON MA 02110

In re Application of  
John Macdonough, Brian Lovejoy, and Joel  
McCleary  
Application No. 09/923,479  
Filed: August 6, 2001  
Attorney Docket No. 13413-002001  
Title: CONCENTRATED KAVALACTONE  
BEVERAGE COMPOSITIONS

DECISION NOTING JOINDER  
OF INVENTOR AND  
DISMISSING PETITION UNDER  
37 CFR §1.47(b) AS MOOT

This is in response to the renewed petition under 37 CFR §1.47(b)<sup>1</sup>, filed August 15, 2003<sup>2</sup>.

With the renewed petition, the petitioner has included a declaration which has been properly executed by the previously non-signing inventor.

Consequently, the renewed petition is dismissed as moot.

<sup>1</sup> A grantable petition under 37 CFR §1.47(b) requires:

- (1) The petition fee;
- (2) a surcharge if the petition was not filed at the time of filing of the application;
- (3) a statement of the last known address of each of the non-signing inventors;
- (4) proof that a copy of the application was sent or given to each of the non-signing inventors for review;
- (5) proof that each of the non-signing inventors refused to sign;
- (6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (7) proof of irreparable damage, and;
- (8) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

<sup>2</sup> The original petition, filed March 22, 2003, was dismissed via a decision mailed April 21, 2003. With the renewed petition, petitioner has included a two-month extension of time to make timely this response.

In view of the joinder of the inventor, further consideration under 37 CFR §1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a)..

The application file is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011. .



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